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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

8 SANDEE SMITH,)
9 Plaintiff,)
10 vs.) No. CIV 12-780-TUC-CKJ
11 HEWITT ASSOCIATES, L.L.C.,)
12 Defendant.)
13 _____)

14 On February 28, 2013, Magistrate Judge Bernardo P. Velasco issued a Report and
15 Recommendation (Doc. 14) in which he recommended Defendant's Motion to Dismiss (Doc.
16 4) be granted. The Report and Recommendation advised the parties that, pursuant to 28
17 U.S.C. §636(b), Fed.R.Civ.P. 72(b)(2), and LRCiv 7.2(e), any party may serve and file
18 written objections within fourteen (14) days after being served with a copy of the Report and
19 Recommendation and also advised the parties that failure to file timely objections to any
20 factual or legal determination of the Magistrate Judge may be deemed a waiver of the
21 party's right to *de novo* review of the issues. *United States v. Reyna-Tapia*, 328 F.3d 1114,
22 1121 (9th Cir.) (*en banc*), *cert. denied*, 540 U.S. 900 (2003). As of this date, no objections
23 have been filed.

24 Accordingly, after an independent review, IT IS ORDERED:

25 1. The Report and Recommendation (Doc. 14) is ADOPTED.
26 2. Defendant's Motion to Dismiss (Doc. 4) is GRANTED.
27 3. This action is DISMISSED for failure to state a claim upon which relief may
28 be granted.

1 4. The Clerk of Court shall enter judgment and shall then close its file in this
2 matter.

3 DATED this 20th day of March, 2013.

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5 *Cindy K. Jorgenson*
6 Cindy K. Jorgenson
7 United States District Judge
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